

DT07 Rec'd PCT/PTO 0 4 FEB 2005

FORM PTO-1390 MODIFIED	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTORNEY'S DOCKET NUMBER 4398-407
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371		U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.5), 10/523607
INTERNATIONAL APPLICATION NO. PCT/AU2003/000988	INTERNATIONAL FILING DATE 05/08/2003	PRIORITY DATE CLAIMED 05/08/2002
TITLE OF INVENTION INEXTENSIBLE HEADGEAR AND CPAP OR VENTILATOR MASK ASSEMBLY WITH SAME		
APPLICANT(S) FOR DO/EO/US BERTHON-JONES et al.		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<ol style="list-style-type: none"> 1. <input checked="" type="checkbox"/> This is a FIRST submission of items concerning a submission under 35 U.S.C. 371. 2. <input type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a submission under 35 U.S.C. 371. 3. <input checked="" type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f). The submission must include items (5), (6), (9) and (21) indicated below. 4. <input checked="" type="checkbox"/> The U.S. has been elected (Article 31). 5. A copy of the International Application as filed (35 U.S.C. 371(c)(2). <ol style="list-style-type: none"> a. <input checked="" type="checkbox"/> is attached hereto (29 pages face pages, specification and claims (23 claims), 17 sheets drawings). b. <input type="checkbox"/> has been communicated by the International Bureau. c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US). 6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(3) <ol style="list-style-type: none"> a. <input type="checkbox"/> is attached hereto (pages specification, claims & abstract (claims), sheets drawings, page Certificate of Translation). b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4). 7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3) <ol style="list-style-type: none"> a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> have been communicated by the International Bureau. c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. d. <input type="checkbox"/> have not been made and will not be made. 8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3). 9. <ol style="list-style-type: none"> a. <input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4). b. <input type="checkbox"/> Declaration was submitted to the International Bureau during International Phase (see copies of Declaration (page Form PCT/RO/101 and Form PCT/IB/371 and first page of printed publication acknowledging receipt thereof attached). 10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5). <p>Items 11 To 20 below concern document(s) or information included:</p> <ol style="list-style-type: none"> 11. <input checked="" type="checkbox"/> An Information Disclosure Statement under 37 C.F.R. 1.97 and 1.98. 12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 C.F.R. 3.28 and 3.31 is included. 13. <ol style="list-style-type: none"> a. <input type="checkbox"/> A FIRST preliminary amendment. b. <input type="checkbox"/> A SECOND or SUBSEQUENT preliminary amendment. 14. <input checked="" type="checkbox"/> An Application Data Sheet under 37 C.F.R. § 1.76. 15. <input type="checkbox"/> A substitute specification. 16. <input type="checkbox"/> A change of power of attorney and/or address letter. 17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821-1.825. 18. <input type="checkbox"/> A second copy of the published international application under 35 U.S.C. 154(d)(4). 19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4). 20. <input checked="" type="checkbox"/> Other items or information. Preliminary Amendment 		

U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.5) 107523607		INTERNATIONAL APPLICATION NO. PCT/AU2003/000988		ATTORNEY'S DOCKET NUMBER 4398-407	
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21. ☒ The following fees are submitted:

BASIC NATIONAL FEE (37 C.F.R. 1.492(a)(1)-(5):					
<input checked="" type="checkbox"/> a) Basic national fee	\$300.00 (1631)/\$150.00 (2631)	\$	300.00		
<input checked="" type="checkbox"/> b) Examination Fee	\$200.00 (1633)/\$100.00 (2633)	\$	200.00		
<input checked="" type="checkbox"/> c) Search Fee	\$500.00 (1632)/\$250.00 (2632)	\$	500.00		
TOTAL OF ABOVE CALCULATIONS		\$	1000.00		

☐ Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE
46 -100	0 /50 =	0.00	\$0.00 (1681) \$0.00 (2681)

Surcharge of **\$130.00 (1617)/\$65.00 (2617)** for furnishing the oath or declaration later than ☒ 30 months from the earliest claimed priority date (37 C.F.R. 1.492(e)).

CLAIMS	NUMBER FILED	# EXTRA	RATE
Total Claims	23 minus 20 =	3 X	\$50.00 (1615)/ \$25.00 (2615)
Independent Claims	6 minus 3 =	3 X	\$200.00 (1614) \$100.00 (2614)
MULTIPLE DEPENDENT CLAIMS(S) (if applicable)			\$360.00 (1616)/\$180.00 (2616)

Petition is hereby made to extend the current due date so as to cover the filing date of this paper and attachment(s): One Month Extension \$120.00 (1251)/\$60.00 (2251); Two Month Extensions \$450.00 (1252)/\$225.00 (2252); Three Month Extensions \$1020.00 (1253)/\$510.00 (2253); Four Month Extensions \$1590.00 (1254)/\$795.00 (2254)

☐ Applicant claims small entity status. See 37 CFR 1.27.

Processing fee of **\$130.00 (1618)**, for furnishing the English Translation later than ☐ 20 ☐ 30 months from the earliest claimed priority date (37 C.F.R. 1.492(f)).

TOTAL NATIONAL FEE = \$ 1880.00

Fee for recording the enclosed assignment (37 C.F.R. 1.21(h). The assignment must be accompanied by an appropriate cover sheet (37 C.F.R. 3.28, 3.31). **\$40.00 (8021)** per property

Fee for Petition to Revive Unintentionally Abandoned Application; **\$1500.00 (1453) / \$750.00 (2453)**

TOTAL FEES ENCLOSED = \$ 1880.00

Amount to be:		
refunded	\$	
Charged	\$	

a. ☐ A check in the amount of \$1880.00 to cover the above fees is enclosed.
b. ☐ Please charge my Deposit Account No. 14-1140 in the amount of \$_____ to cover the above fees. A duplicate copy of this form is enclosed.
c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 14-1140. A duplicate copy of this form is enclosed.
d. ☒ **CREDIT CARD PAYMENT FORM ATTACHED.**
e. ☒ The entire content of International Application No. **PCT/AU2003/000988** and any U.S. and foreign application(s) corresponding thereto, and USSN 60/400,686, referred to in this application is/are hereby incorporated by reference in this application.

NOTE: Where an appropriate time limit under 37 C.F.R. 1.494 or 1.495 has not been met, a petition to revive (37 C.F.R. 1.137(a) or (b) must be filed and granted to restore the application to pending status.

CORRESPONDENCE ADDRESS
Direct all correspondence to:
☒ **Customer Number:** **23117**
Type Customer Number here

Telephone: (703) 816-4000
PTB:jck

Paul T. Bowen
NAME
38,009 **February 4, 2005**
REGISTRATION NUMBER Date